

reasonably necessary to permit the client to make informed decisions regarding the representation.”⁴ The ABA Standards and the New Jersey Rules of Professional Conduct, taken together, indicate that there is an expectation by the American Bar and New Jersey Bar that defendants are to be informed by their attorneys when making decisions of whether or not to go to trial or accept plea offers. If counsel fails to perform in these manners, counsel can be said to be deficient under *Strickland*.

Returning to the instant motion, based on information obtained at the evidentiary hearing, defense counsel met the defendant more than once; explained to him the State’s plea offer of three years in New Jersey State Prison with a mandatory period of one year without parole and counteroffered the State’s offer with an offer of eighteen months in New Jersey State Prison, the full term without parole; explained to the Defendant his possible exposure of twenty years in New Jersey State Prison, ten of those years to be without parole; explained to the Defendant that he was eligible for an extended prison term based on his criminal history; explained to the Defendant that he had a 50/50 chance of succeeding at trial⁵ and, lastly; informed the Defendant shortly before trial began that the State had reoffered the three years in prison with a mandatory period of one year without parole offer, knowing that the Defendant had accumulated close to two years of jail credit and his sentencing exposure under the State’s plea offer was a fraction of the sentencing exposure faced at trial.⁶

Despite calculating success at trial, the jury ultimately convicted the Defendant on each count of the indictment. Incorrect calculations about success at trial are not, by themselves,

⁴ New Jersey Rules of Professional Conduct R. 1.4(b)-(c) (2021).

⁵ Counsel for the Defendant testified that she believed their chances of success at trial increased to 75% as trial continued.

⁶ The Defendant was ultimately sentenced to fourteen years in New Jersey State Prison, seven of which was to be served without parole. If he had accepted the plea offer, he would’ve only served another three or four months before being eligible for parole.

grounds for ineffective assistance under *Strickland* unless they have the potential undercut the principle of a fair trial. “As a general rule, strategic miscalculations or trial mistakes are insufficient to warrant reversal except in those rare instances where they are of such magnitude to thwart the fundamental guarantee of fair trial.” *State v. Casagna*, 187 N.J. 293, 314-15 (2006). The instant case was not of such a magnitude.

It was defense counsel’s testimony that she would inform clients that a plea offer was favorable, or as it was here, exceptionally favorable but, despite being exceptionally favorable, she wouldn’t “pressure clients into taking deals[,] . . . because . . . what clients should and shouldn’t do is up to them.” Tr. 118:13-17. While the Court will reserve comment on its effectiveness, this style of practice is consistent with ABA Criminal Justice Standards 4-3.3(c)(vii) and New Jersey Rule of Professional Conduct R. 1.2(a), mentioned *supra*, placing the decision of whether to settle cases or enter pleas of guilty at the feet of the client after having been duly informed of risks, in this case the steep risks, they face at trial. As a result, the Defendant has failed to establish that defense counsel’s actions were deficient under the *Strickland* two-part test and similarly under the standards of *Lafler v. Cooper*.

VII. Conclusion

For the foregoing reasons, the Defendants Motion for Post-Conviction Relief should be **DENIED**.

Applicant Details

First Name	Alexander
Last Name	Nowakowski
Citizenship Status	U. S. Citizen
Email Address	amn114@georgetown.edu
Address	<div> <div>Address</div> <div> <div>Street</div> <div>12 Kensington Ct</div> <div>City</div> <div>Princeton</div> <div>State/Territory</div> <div>New Jersey</div> <div>Zip</div> <div>08540</div> <div>Country</div> <div>United States</div> </div> </div>
Contact Phone Number	5708147164

Applicant Education

BA/BS From	George Washington University
Date of BA/BS	May 2016
JD/LLB From	Georgetown University Law Center
	https://www.nalplawschools.org/employer_profile?FormID=961
Date of JD/LLB	May 22, 2022
Class Rank	School does not rank
Does the law school have a Law Review/Journal?	Yes
Law Review/Journal	No
Moot Court Experience	No

Bar Admission**Prior Judicial Experience**

Judicial Internships/ Externships	Yes
--------------------------------------	-----

Post-graduate Judicial Law Clerk **Yes**

Specialized Work Experience

Recommenders

MacDougall, Mark
mmacdougall@akingump.com
Mathieson, Christina
cm1855@georgetown.edu
Mayer, Michael
michael_mayer@nyed.uscourts.gov
(330) 416-1535

This applicant has certified that all data entered in this profile and any application documents are true and correct.

ALEXANDER NOWAKOWSKI

12 Kensington Ct, Princeton, NJ 08540 | (570) 814-7164 | amn114@georgetown.edu

May 6, 2022

Chambers of Honorable Kenneth M. Karas
U.S. District Court for the Southern District of New York
The Hon. Charles L. Bricant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Dear Judge Karas:

I am writing to apply for the September 2024-2025 term clerkship in your chambers. I am a third-year student at the Georgetown University Law Center and upon graduation, I will be clerking in the Eastern District of Texas with the Hon. Kimberly Priest Johnson, U.S. Magistrate Judge for the 2022-2023 term. I plan to pursue a career in federal criminal litigation, ideally working as an Assistant U.S. Attorney.

During the summer and fall of 2020, I interned for Judge Kiyo A. Matsumoto's chambers and drafted approximately fifteen memorandums & orders on issues including certification of class under the FLSA, the First Step Act, and complex criminal procedure challenges in habeas petitions. In the spring and summer of 2021, I interned with the U.S. Securities and Exchange Commission's Enforcement Division with an investigative team. I aided investigations on a range of securities frauds and due to my success, I was invited to continue on for the summer term.

In fall 2021, I worked with Georgetown's Habeas Corpus Practicum to draft a prisoner's state habeas petition. This project has included intensive fact investigation of issues both on and off-the-record, culminating in a memorandum of issues related to the introduction of prior acts or wrongs evidence. Further, I wrote an academic paper tracing the history of the Excessive Bail Clause in the United States and argued that critical analysis should be placed on the commercial bail indemnification contract to ensure broad judicial discretion with significantly lower costs to indigent defendants.

I have attached the following documents - my resume; my transcripts from the Georgetown University Law Center, London School of Economics and Political Science, and the George Washington University; and a writing sample. This writing sample is a draft memorandum & order in respect to a First Step Act petition written for the chambers of Judge Matsumoto under the supervision of Mr. Michael Mayer. The following have submitted recommendations on my behalf and welcome inquiries:

Professor Mark MacDougall
Georgetown Law; Akin Gump
mmacdougall@akingump.com
(202) 887-4510

Professor Christina Mathieson
National Habeas Institute
cm1855@georgetown.edu
(202) 378-0284

Mr. Michael Mayer
Sullivan & Cromwell
michaelmayer87@gmail.com
(330) 416-1535

Thank you for your time and consideration.

Sincerely,

Alex Nowakowski

ALEXANDER NOWAKOWSKI

12 Kensington Ct, Princeton, NJ 08540 • (570) 814-7164 • amn114@georgetown.edu

EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER

Washington, DC

Juris Doctor

Expected May 2022

GPA: 3.76

Activities: Dean's List (Fall 2020); Institute of International Economic Law Fellow

THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE

London, UK

Master of Science, with Merit, in International Political Economy

December 2017

Dissertation: *The Bush and Obama Administrations in the WTO - A Comparative Study of Disputes*

THE GEORGE WASHINGTON UNIVERSITY

Washington, DC

Bachelor of Arts, *summa cum laude*, in Economics & International Affairs; German Studies Minor

May 2016

GPA: 3.85

Honors: Deans Honor List; Delta Phi Alpha (German National Honor Society)

Activities: GW Presidential Scholarship (2012-2016); GW UNICEF Journal Founding Editor (2015-2016)

EXPERIENCE

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

Plano, TX

Clerk in the chambers of the Hon. Kimberly C. Priest Johnson, U.S. Magistrate Judge

Sep. 2022 – Sep. 2023

U.S. SECURITIES AND EXCHANGE COMMISSION

Washington, DC

Intern, Enforcement Division

Jan. 2021-Aug. 2021

- Supporting “pump-and-dump,” Foreign Corrupt Practices Act (FCPA), market manipulation, and insider trading investigations through document review, analysis, preparation of questions for witness testimony, and legal research

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

New York, NY

Judicial Internship in the chambers of the Hon. Kijo A. Matsumoto

May 2020 – Dec. 2020

- Drafting decisions on *habeas corpus* petitions to vacate or amend judgment
- Researching sentencing enhancement application and drafting First Step Act memorandum & order
- Drafting memorandum & orders for civil law cases including social security appeals, motions to dismiss, patent infringement, Fair Labor Standards Act, and labor disputes

UBS

New York, NY

Global Equity Derivatives Compliance Officer

Feb. 2019 – June 2019

- Provided business-aligned compliance advisory to Derivative and Structured Product desks, and draft policy regarding Marijuana Related Businesses, complex trades, risk management, and regulatory change

Group Risk Control Analyst, Graduate Rotational Training Program

Aug. 2017 – Feb. 2019

- Investor Corporate Solutions Compliance*: Reviewed compliance and operational risk across trading within the investment bank, with a specific product focus of cash equities and derivatives
- Financial Crime Compliance*: Strategic management and analysis of relevant regulation for changes within the bank secrecy anti-money laundering program across the investment bank and Wealth Management
- Leveraged Finance Credit Risk*: Performed credit analysis for leveraged financing origination within the Group Industrials & Consumer Products portfolio to provide challenge that ensures the investment bank remains within its risk appetite

THE U.S. DEPARTMENT OF STATE

Washington, DC

Bureau of European and Eurasian Affairs, Southern Europe Office Internship

March 2016 – June 2016

- Worked with Foreign Service Officers on Economic Portfolio of Turkey, Greece, and Cyprus including international trade promotion, Cyprus negotiations, environmental issues, and energy infrastructure development

THE WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Washington, DC

Scholar Research Assistant Internship

Aug. 2015 – Dec. 2015

- Researched International Trade issues with a focus on the Transatlantic Trade and Investment Partnership

FREEDOM HOUSE

Washington, DC

Executive Office Internship

June 2015 – Aug. 2015

- Drafted memorandum and articles with the President of Freedom House on economics and human rights

CLEARANCES, LANGUAGES AND INTERESTS

Clearance and Languages: Secret (2016); German (Business Proficiency)

Interests: Kayaking; Tennis; Studied Continental Philosophy and German Literature; Film studies

This is not an official transcript. Courses which are in progress may also be included on this transcript.

Record of: Alexander Maciej Nowakowski
GUID: 818841441

Course Level: Juris Doctor

Entering Program:

Georgetown University Law Center
Juris Doctor
Major: Law

Subj	Crs	Sec	Title	Crd	Grd	Pts	R
----- Fall 2019 -----							
LAWJ	001	91	Civil Procedure	4.00	B+	13.32	
			Charles Abernathy				
LAWJ	004	13	Constitutional Law I: The Federal System	3.00	B	9.00	
			Susan Bloch				
LAWJ	005	13	Legal Practice: Writing and Analysis	2.00	IP	0.00	
			EunHee Han				
LAWJ	008	91	Torts	4.00	B+	13.32	
			Girardeau Spann				
			EHrs QHrs QPts GPA				
Current			11.00 11.00 35.64 3.24				
Cumulative			11.00 11.00 35.64 3.24				
Subj	Crs	Sec	Title	Crd	Grd	Pts	R
----- Spring 2020 -----							
LAWJ	002	12	Contracts	4.00	P	0.00	
			Michael Diamond				
LAWJ	003	91	Criminal Justice	4.00	P	0.00	
			Paul Butler				
LAWJ	005	13	Legal Practice: Writing and Analysis	4.00	P	0.00	
			EunHee Han				
LAWJ	007	91	Property	4.00	P	0.00	
			Michael Gottesman				
LAWJ	1323	50	International Law, National Security, and Human Rights	3.00	P	0.00	
			Milton Regan				
LAWJ	611	13	Questioning Witnesses In and Out of Court	1.00	P	0.00	
			Michael Williams				
Mandatory P/F for Spring 2020 due to COVID19							
			EHrs QHrs QPts GPA				
Current			20.00 0.00 0.00 0.00				
Annual			29.00 11.00 35.64 3.24				
Cumulative			31.00 11.00 35.64 3.24				

-----Continued on Next Column-----

Subj	Crs	Sec	Title	Crd	Grd	Pts	R
----- Fall 2020 -----							
LAWJ	1067	05	English Legal History Sem	3.00	A	12.00	
			James Oldham				
LAWJ	1085	05	Sentencing Law and Policy	2.00	A	8.00	
			Mark MacDougall				
LAWJ	121	01	Corporations	4.00	A-	14.68	
			Michael Diamond				
LAWJ	1491	03	Externship I Seminar (J.D. Externship Program)		NG		
			Alexander White				
LAWJ	1491	125	~Seminar	1.00	A	4.00	
			Alexander White				
LAWJ	1491	127	~Fieldwork 3cr	3.00	P	0.00	
			Alexander White				
LAWJ	1654	08	The IMF and the Evolution of International Financial and Monetary Law	3.00	A-	11.01	
			Sean Hagan				
Dean's List Fall 2020							
			EHrs QHrs QPts GPA				
Current			16.00 13.00 49.69 3.82				
Cumulative			47.00 24.00 85.33 3.56				
Subj	Crs	Sec	Title	Crd	Grd	Pts	R
----- Spring 2021 -----							
LAWJ	1191	08	Sovereign Debt and Financial Stability Seminar	2.00	A	8.00	
			Anna Gelpert				
LAWJ	1492	17	Externship II Seminar (J.D. Externship Program)		NG		
			Joanne Chan				
LAWJ	1492	86	~Seminar	1.00	A	4.00	
			Joanne Chan				
LAWJ	1492	88	~Fieldwork 3cr	3.00	P	0.00	
			Joanne Chan				
LAWJ	165	05	Evidence	4.00	P	0.00	
			Paul Rothstein				
LAWJ	215	07	Constitutional Law II: Individual Rights and Liberties	4.00	A-	14.68	
			Jeffrey Shulman				
LAWJ	361	01	Professional Responsibility: The American Legal Profession in the 21st Century: Tech, Markets, & Reg	2.00	A-	7.34	
			Tanina Rostain				
			EHrs QHrs QPts GPA				
Current			16.00 9.00 34.02 3.78				
Annual			32.00 22.00 83.71 3.81				
Cumulative			63.00 33.00 119.35 3.62				

-----Continued on Next Page-----

This is not an official transcript. Courses which are in progress may also be included on this transcript.

Record of: Alexander Maciej Nowakowski
GUID: 818841441

Subj	Crs	Sec	Title	Crd	Grd	Pts	R
----- Fall 2021 -----							
LAWJ	1167	05	Anatomy of a Federal Criminal Trial: The Prosecution and Defense Perspective	2.00	A	8.00	
			Jonathan Lopez				
LAWJ	1527	05	Habeas Corpus Post Conviction Practicum	5.00	A+	21.65	
			Christina Mathieson				
LAWJ	196	05	Free Press	2.00	A	8.00	
			Seth Berlin				
LAWJ	410	05	State and Local Government Law	3.00	A	12.00	
			Sheila Foster				
				EHrs	QHrs	QPts	GPA
Current				12.00	12.00	49.65	4.14
Cumulative				75.00	45.00	169.00	3.76
Subj	Crs	Sec	Title	Crd	Grd	Pts	R
----- Spring 2022 -----							
In Progress:							
LAWJ	1712	09	Advanced Evidence Seminar	2.00	In Progress		
LAWJ	1756	05	Criminal Law Theory in Context	2.00	In Progress		
LAWJ	178	05	Federal Courts and the Federal System	3.00	In Progress		
LAWJ	455	97	Federal White Collar Crime	3.00	In Progress		
----- Transcript Totals -----							
				EHrs	QHrs	QPts	GPA
Current							
Annual				12.00	12.00	49.65	4.14
Cumulative				75.00	45.00	169.00	3.76
----- End of Juris Doctor Record -----							

May 06, 2022

The Honorable Kenneth Karas
Charles L. Brieant, Jr. United States Courthouse
300 Quarropas Street, Room 533
White Plains, NY 10601-4150

Dear Judge Karas:

I am writing in support of the application of Alexander Nowakowski for a federal judicial clerkship following his graduation from the Georgetown University Law Center in May 2022.

My acquaintance with Alex came about through his participation in the Sentencing Law and Policy course that I teach as an adjunct professor at Georgetown. Alex was one of the most active and articulate participants in a class of thirty students. I really cannot add any color commentary to his strong record of academic success as an undergraduate, during his studies at the London School of Economics, and as a law student. Moreover, his work experiences – including with the Department of State, the Securities and Exchange Commission and a major multinational bank – reflect a seriousness of purpose that sets him apart from many of his contemporaries.

One thing that I have learned as a trial lawyer is to deliver any significant message in no more than three parts. With that lesson in mind, the following are the most important considerations that I believe make Alex a strong candidate for a federal judicial clerkship.

First, federal sentencing could be fairly characterized as one of the most arcane subject areas in criminal law – particularly for students who have yet to try their first case. Alex was consistently the most prepared student in class, which reflected an extraordinary level of diligence in his studies. Alex is a fine scholar, an articulate advocate for an always well-considered viewpoint, and will soon be an excellent lawyer in every respect.

A second consideration arises out of the pandemic and the universal use of video technology by Georgetown through the entire fall semester of 2020. One result of this unhappy time in recent history is that I have never personally met Alex or any of his classmates and most of them have never met each other. So the usual dynamics of law school teaching were lost and many students (perhaps understandably) chose to take a minimalist approach to their work in the classroom. Alex clearly recognized the need for leadership in that circumstance and distinguished himself by frequently taking on the difficult task of initiating and sometimes reviving discussions among a class of thirty disembodied students on a video screen.

Finally, I think law school drives to the surface the real personalities of students as well as teachers. If there is any truth to that notion, Alex will be an excellent colleague in all respects – for his judge, other clerks and courthouse staff alike. Inside and outside of the classroom, Alex is serious and respectful of all points of view while maintaining a fine sense of humor and a consistently pleasant disposition.

So I can recommend Alex Nowakowski to you in the strongest terms for consideration as a judicial clerk. I will be happy to respond to any further inquiries regarding his candidacy.

Sincerely,

Mark J. MacDougall

Mark MacDougall - mmacdougall@akingump.com

May 06, 2022

The Honorable Kenneth Karas
Charles L. Brieant, Jr. United States Courthouse
300 Quarropas Street, Room 533
White Plains, NY 10601-4150

Dear Judge Karas:

I write to enthusiastically recommend that you consider Alexander Nowakowski for a clerkship. I had the privilege of teaching Alex in the Habeas Corpus Post-Conviction Practicum at Georgetown University Law Center during the Fall 2021. He immediately stood out as bright, insightful, curious, and compassionate.

Last fall, the Habeas Corpus Post Conviction Practicum consisted of two parts: (1) a weekly seminar in which students were expected to participate in discussions regarding relevant issues; and (2) a four-person team project in which the team represented a real client. Alex's team represented a client who had been convicted and sentenced to life in Georgia for the murder of a prostitute. The client was black, deaf, and merely visiting the Atlanta area as a New York resident when he was arrested.

Alex drafted several thorough, well-researched memoranda of law for the case regarding trial counsel's failure to object to evidence of prior bad acts. Alex first identified the issue on his own after reviewing the trial transcript. He was so troubled by defense counsel's egregious failure to object that he led the team in investigating evidence to support a claim that defense counsel was constitutionally ineffective. The investigation included reviewing police reports and interviewing lay witnesses who provided compelling vignettes that shed light on the truth behind the situation.

In addition to the multiple legal memoranda that Alex drafted about the prior bad acts and defense counsel's ineffectiveness and the investigation, Alex also drafted an argument in support of a hypothetical case involving a petition for habeas relief in the federal courts. Each student in the class was expected to grapple with issues of procedural default and how to present a claim under the Antiterrorism and Effective Death Penalty Act, 28 U.S.C. § 2254. Alex's argument that the claim was not procedurally defaulted was nuanced and demonstrated a legal understanding well beyond his age and experience. It exceeded strong legal arguments we have reviewed from our experienced capital defender colleagues. Quite frankly, my co-professor and I were blown away.

The typical clerk characteristics of attention to detail and outstanding writing skills certainly apply to Alex. Alex also brings curiosity, compassion, and brilliant legal understanding. He is perfectly suited for a clerkship, and I cannot recommend him highly enough. Please feel free to contact me directly at cmathieson@habeasinstitute.org if you have any questions.

Thank you,

Christina Mathieson

P.O. Box 4268 Silver Spring MD 20914

202.378.0284

www.habeasinstitute.org

Christina Mathieson - cm1855@georgetown.edu

May 06, 2022

The Honorable Kenneth Karas
Charles L. Brieant, Jr. United States Courthouse
300 Quarropas Street, Room 533
White Plains, NY 10601-4150

Dear Judge Karas:

I am writing to offer my highest recommendation in support of Alex Nowakowski's application for a judicial clerkship in your chambers. Alex worked as an intern for approximately seven months under my supervision in the chambers of Judge Kiyo Matsumoto in the Eastern District of New York. During that time, he demonstrated both the legal skill and temperament that would be required of an outstanding district court law clerk.

In Judge Matsumoto's chambers, we typically assign our interns the first drafts of opinions in social security appeals and habeas cases, but Alex quickly demonstrated the ability to work on more challenging cases. My co-clerks and I asked Alex to complete first drafts that were often some of our most difficult, including:

- An opinion to resolve a motion to de-certify a class and a cross-motion to amend the complaint in an FLSA case, shortly after the Second Circuit issued a decision clarifying the meaning of "similarly situated" plaintiffs, which required a novel analysis for purposes of the opinion;
- Findings of fact in a contract dispute with a lengthy procedural history; and
- Several opinions resolving unique habeas petitions, including ones brought by counsel, or by federal defendants pursuant to 28 U.S.C. § 2255.

Alex's most impressive work may have been a draft to resolve a First Step Act motion, in which a federal defendant sought a sentence reduction on several counts of conviction. The defendant was eligible for a sentence reduction on certain of his convictions, but the Second Circuit had not yet addressed whether his other convictions were eligible. Alex performed diligent research, and identified cases on point that the parties had not cited. Alex's draft grappled with all of the issues in a thoughtful way, and he turned in a polished first draft.

Alex's excellent work resulted in our decision to invite him to continue his internship through the fall of 2020, after he was initially hired for only the summer. He was an invaluable member of Judge Matsumoto's chambers, and I believe that he would be an outstanding law clerk.

Please let me know if I can provide any further information. Until April 30, 2021, I can be reached at (718) 613-2188 or michael_mayer@nyed.uscourts.gov. After that date, I can be reached at (330) 416-1535 or michaelmayer87@gmail.com.

Sincerely,

Michael Mayer

Michael Mayer - michael_mayer@nyed.uscourts.gov - (330) 416-1535

Alexander Nowakowski
12 Kensington Ct, Princeton, NJ 08540
(570) 814-7164; amn114@georgetown.edu

Writing Sample

The attached writing sample is an excerpted Memorandum & Order in response to a First Step Act motion for a prisoner in federal custody within the Eastern District of New York. The defendant sought a sentence reduction for his narcotics distribution conspiracy conviction, and critically, his murder in the aid of racketeering conviction. The analysis below considers the defendant's eligibility for a sentence reduction under the First Step Act. This draft is solely my unedited work product. Judge Kiyo A. Matsumoto's chambers has granted permission for this draft to be used as a writing sample.

Legal Standard

The United States Sentencing Commission issued four reports to Congress explaining that the ratio of 100 to 1 for crack-to-powder was too high and unjustified because sentences embodying this ratio "could not achieve the Sentencing Reform Act's 'uniformity' goal of treating like offenders alike, because they could not achieve the 'proportionality' goal of treating different offenders . . . differently, and because the public had come to understand sentences embodying the 100-to-1 ratio as reflecting unjustified race based differences." *Dorsey v. United States*, 567 U.S. 260, 268 (2012) (citing *Kimbrough v. United States*, 552 U.S. 85, 97-98 (2007)). In response, Congress enacted the Fair Sentencing Act into law increasing "the drug amounts triggering mandatory minimums for crack trafficking offense from 5 grams to 28 grams in respect to the 5-year minimum and from 50 grams to 280 grams in respect to the

10-year minimum (while leaving powder at 500 grams and 5,000 grams respectively.)” *Id.* at 269.

“The First Step Act of 2018 ‘made retroactive the crack cocaine minimums in the Fair Sentencing Act.’” *United States v. Williams*, No. 03-CR-1334 (JPO), 2019 WL 2865226, at *2 (S.D.N.Y. July 3, 2019) (quoting *United states v. Rose*, No. 03-CR-1501, 2019 WL 2314479, at *2 (S.D.N.Y. May 24, 2019)). Section 404(b) of the First Step Act of 2018 states that “[a] court that imposed a sentence for a covered offense may, on motion of the defendant . . . impose a reduced sentence as if section 2 and 3 of the Fair Sentencing Act of 2010 . . . were in effect at the time the covered offense was committed.” Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222 (2018); see also *United States v. Holloway*, 956 F.3d 660, 664 (2d Cir. 2020). A “covered offense” is defined as “a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111-220; 124 Stat. 2372), that was committed before August 3, 2010.” *Id.* § 404(a).

Further, “[r]elief under the First Step Act is discretionary,” though “Section 404(c) places two limits on the court’s resentencing power.” *United States v. Simmons*, 375 F. Supp. 3d 379, 386 (E.D.N.Y. 2019). Section 404(c) states:

LIMITATIONS.- No court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111-220; 124 Stat. 2372) or if a previous motion made under this section to reduce the sentence was, after the date of enactment of this Act, denied after a complete review of the motion on the merits.

Pub. L. No. 115-391, § 404(c), 132 Stat. 5194, 5222 (2018).

In reviewing a motion for relief pursuant to the First Step Act, the court must first consider whether the defendant is eligible for a reduction in sentence and, if eligible, consider if such relief is warranted under the particular circumstances of the case “consider[ing] all the applicable factors under 18 U.S.C. § 3553(a), as well as defendant's post-sentencing conduct while in prison.” *United States v. Williams*, No. 03-CR-795 (SJF), 2019 WL 3842597, at *4 (E.D.N.Y. Aug. 15, 2019) (collecting cases). “[T]he Second Circuit has cautioned that ‘many defendants who are eligible for Section 404 relief may receive no substantial relief at all’ [because] ‘Section 404 relief is discretionary, after all, and a district judge may exercise that discretion and deny relief where appropriate.’” *United States v. Aller*, -- F. Supp. 3d --, 2020 WL 5494622 (S.D.N.Y. Sept. 11, 2020) (quoting *United States v. Johnson*, 961 F.3d at 191).

Discussion

Defendant moves for a modification of his sentence pursuant to the First Step Act regarding his conviction for engaging in narcotics distribution conspiracy, Count Forty-Seven; and murder in aid of racketeering, Count Eight. (See *generally* Mem.) The parties agree that defendant is eligible for a modification of his sentence regarding Count Forty-Seven, however the government opposes a sentence reduction regarding defendant's conviction for murder in aid of racketeering.

I. Eligibility

First, there is no question that defendant's narcotics distribution conspiracy conviction is a covered offense. The government "agrees that [defendant's] narcotics distribution conspiracy conviction is a 'covered offense' under the First Step Act . . . [b]ecause the statutory penalties for Section 841(b)(1)(A) [charged under Count Forty-Seven] were modified by Section Three of the Fair Sentencing Act" (Opp. at 5.) In finding that narcotics distribution conspiracy was a "'covered offense' within the meaning of Section 404(a)," the Second Circuit explained that "Section 2 of the Fair Sentencing Act modified the statutory penalties associated with a violation of those provisions by increasing Section 841(b)(1)(A)(iii)'s quantity threshold from 50 to 280 grams" and, "Section 2 thus modified - in the past tense - the penalties for [defendant's]

statutory offense” *United States v. Johnson*, 961 F.3d 181, 190-91 (2d Cir. 2020); *see also United States v. Martin*, 974 F.3d 124, 133 (2d Cir. 2020); *United States v. Burrell*, No. 97 CR 988-1 (RJD), 2020 WL 5014783, at *4 (E.D.N.Y. Aug. 25, 2020).

As defendant is unquestionably eligible for relief regarding his narcotics distribution conspiracy conviction, the court turns to defendant’s murder in the aid of racketeering conviction. Here, the government sets forth its main challenge to defendant’s First Step Act relief by stating “there is no legal or factual basis that warrants resentencing” as “[m]urder is not a covered offense.” (Opp. 5.) In support, the government cites to *United States v. Barnett*, No. 90-cr-0913(LAP, No. 19-cv-0132(LAP), 2020 WL 137162, at *4-5 (S.D.N.Y. Jan. 13, 2020),¹ and *United States v. Potts*, 389 F. Supp. 3d 352, 355-56 (E.D.Pa. 2019), to state that murder in the aid of racketeering pursuant to 18 U.S.C. § 1959(a)(1) is not a “covered offense.” (*Id.*) Defendant asserts, however, that *United States v. Jones*, No. 3:99-cr-264-6(VAB), 2019 WL 4933578,

¹ The *Barnett* district court states “that [defendant] is eligible for a sentence reduction on Count Three [possession with intent to distribute cocaine-base in violation of 21 U.S.C. § 841(b)(1)(C)] but is not eligible on Count One [conspiracy to distribute narcotics in violation of 21 U.S.C. § 846]” and that “any reduction of sentence would be purely academic because [defendant] remains subject to a life sentence on Count One.” *Barnett*, 2020 WL 137162, at *4-5. This court does not find the reasoning of *Barnett* persuasive in light of *Johnson*’s discussion of 21 U.S.C. § 846 eligibility in rejecting the government’s proposed limitations in reading the First Step Act. *Johnson*, 961 F.3d at 190 n.6.

(D. Conn. Oct. 7, 2019), and *United States v. Powell*, No.3:99-cr-264-18(VAB), 2019 WL 4889112, (D. Conn. 2019), provide for eligibility as the “individual life sentences for Racketeering and crack cocaine distribution . . . flowed from a single offense level and a single sentence guideline determination.” (Mem. 16.)

In *United States v. Powell*, the defendant had been convicted of racketeering offenses, conspiracy to distribute cocaine base, obstruction of justice and witness tampering, and conspiracy to commit money laundering. 2019 WL 4889112, at *1. The *Powell* court found that because the defendant had been convicted of a “covered offense,” the narcotics distribution conspiracy in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), and 846, that the defendant was eligible for resentencing of his entire sentence because the racketeering offenses are “premised on violations of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).” *Id.* at 5. The *Powell* court further stated that the “RICO, RICO Conspiracy, obstruction of justice and witness tampering, and conspiracy to commit money laundering convictions thus were all addressed together, with the crack cocaine violation, as part of a single sentencing package, as inextricably related offenses.” *Id.* at *8. (citing *United States v. Triestman*, 178 F.3d 624, 630 (2d Cir. 1999)). Under the same logic, the *Powell* court found that the defendant in *United States v. Jones*, who had been convicted

of racketeering offenses and conspiracy to distribute to heroin and cocaine base in violation, was eligible for First Step Act relief. 2019 WL 4933578, at *4-5.

One court in the Eastern District of Michigan has characterized the *Powell* court's reasoning as the "one qualifies all" approach and has rejected its conclusions because a "bedrock principle of post-conviction procedure is that 'a district court may modify a defendant's sentence only as provided by statute.'" *United States v. Smith*, No. 04-90857, 2020 WL 3790370, at *10 (E.D. Mich. July 7, 2020) (quoting *United States v. Johnson*, 564 F.3d 419, 421 (6th Cir. 2009)) (brackets omitted). "Plainly, [Section 404(b)] indicates that the Court may only impose reduced sentence for a covered offense" and "[a]t the very least, Sec.404(b) does not *expressly permit* the Court reduce a sentence for a non-covered offense" while in contravention of "well-defined limits" placed on the power of a district court to modify a sentence "*Powell* assumed the court could reduce a sentence for a covered offense because Sec.404(b) did not *expressly prohibit* such a reduction." *Id.* (emphasis in original). Therefore, the *Smith* court found that the defendant was eligible and deserving of relief for the "covered offenses," but that the "First Step Act does not allow sentence reductions for non-covered offenses, such as [defendant's] continuing criminal enterprise conviction under §

848(a)” because, *inter alia*, the First Step Act must be read in conjunction with 18 U.S.C § 3582(c)(1)(B). *Id.* at *13.

While not cited by the parties, this court finds a recent decision within the Eastern District of New York taking issue with *Smith’s* conclusion that the continuing criminal enterprise conviction (“CCE”) was not a covered offense to be persuasive to the extent that it provides the appropriate approach for considering eligibility. In *United States v. Burrell*, the defendant had been convicted of engaging in a continuing criminal enterprise in violation of 21 U.S.C. § 848(a) and moved pursuant to § 404 for First Step Act relief. 2020 WL 5014783, at *1. In *Johnson*, the Second Circuit explained that “it is the statute under which a defendant was convicted, not the defendant’s actual conduct, that determine whether a defendant was sentenced for a ‘covered offense’ within the meaning of Section 404(a).” 961 F.3d at 187. In light of the Second Circuit’s decision in *Johnson*, the *Burrell* court reasoned that the “‘covered offense’” discussion take place entirely *at the statutory level*” and, “[i]n this respect, CCE under § 848(a) and (c) is no less incomplete, or unconsummated, in ‘describing a statutory offense’ (to borrow *Johnson’s* vocabulary) than the conspiracy statute.” *Burrell*, 2020 WL 5014783, at *7. “The ‘statutory offense’ known as CCE *can only* be fully stated by the interaction of Section 848 (a) and, in

the language of 848(c), the ‘provision’ of subchapter I or II of Title 21 that the defendant is charged with having continuously violated” and “one or more additional statutes must be part of identification of the statutory offense.” *Id.* (emphasis added).

Further, *Burell* criticizes *Smith*’s conclusion that the CCE offense was not a covered offense because it required additional elements for a conviction even though the *Smith* court recognized that the jury must have concluded that the defendant violated § 841(a)(1) and § 846.² *Id.* at *6 (citing *Smith*, 2020 WL 3790370, at *12). The *Burell* court explains that its interlocking approach recognizes both the “practical” understanding of the manner in which cases are charged while fulfilling the “eligibility-expanding” guidance from the Second Circuit in discussing the conviction of covered offenses at the statutory level as a rejection of the government’s arguments that the court should limit relief based on “actual conduct.” *Id.* at 7-8 (emphasis in original).

This solution deftly threads the needle. Rather than focusing on the underlying conduct disavowed by the Second Circuit, *Burell*’s focus on the interaction of the statutes emphasizes that the CCE conviction is incomplete without the

² While the *Smith* court rejects the “underlying criminal conduct” approach, it appears to have considered that the defendant’s enterprise dealt in both crack and powder cocaine to distinguish its reasoning from *United States v. Hall*, No. 2:93-cr-162(1), (E.D.Va. Mar. 2, 2020), in which that defendant dealt only in crack cocaine. *Smith*, 2020 WLE 3790370, at *13.

statutes that have been modified by the Fair Sentencing Act, 21 U.S.C. 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A) and 846, and therefore any modification to these statutes' penalties modifies the CCE conviction. Therefore, unlike *Powell's* "one qualifies all" approach, *Burrell's* interlocking approach does not require consideration of any other conviction within a "sentencing package," *Powell*, 2019 WL 4889112, at *8, and determines on the statute alone if a sentence should be considered a covered offense pursuant to Section 404.³

Further, this reasoning, as opposed to the *Powell* court's "one-qualifies all" approach, is in line with the Second Circuit's recent decision in *United States v. Martin*. 974 F.3d 124 (2d Cir. 2020). In deciding if a defendant could receive a benefit for a "covered offense" already served for his subsequent convictions while in prison, the Second Circuit clarified that "[t]he explicit reference to sections 2 or 3 of the Fair Sentencing Act demonstrates that the First Step Act permits a sentencing reduction *only* to the extent that section 2 or 3 of the Fair Sentencing Act would apply" meaning that the "First Step Act permits a sentencing modification only to the extent the Fair Sentencing Act would have changed the

³ The *Burrell* court explains that "to state that relation [between CCE and the violations of a covered statutory offense] does not dispose of the objection that CCE nevertheless remains a freestanding statute with its own penalty provision and that the narcotics conspiracy is 'underlying conduct' that *Johnson* says I am not to consider." *Burrell*, 2020 WL 5014783, at *5.

defendant's 'covered offense' sentence." *Id.* at 138 (emphasis in original). "[C]ourts require specific modification authorization - either due to a change in the guidelines ranges for a sentence on a particular count of conviction, or because a statute authorizes the reduction of a sentence - for each term of imprisonment contained in an otherwise final judgment of conviction." *Id.* at 137 (emphasis in original). Thus, the *Burrell* approach allows for modification of a sentence that can only be fully stated by its interaction with a "covered offense," without improperly considering those non-covered offenses that are not each subject to "specific modification authorization." *Id.*

Defendant cites to a recent Seventh Circuit decision, *United States v. Hudson*, 967 F.3d 605 (7th Cir. 2020), that has taken the "one qualifies" all approach and made clear that a defendant is eligible for First Step Act relief for non-covered offenses if he is convicted of any covered offense. (Mem. 17.) In reading Section 404(c) of the First Step Act, the Seventh Circuit states "[i]f Congress intended the Act not to apply when a covered offense is grouped with a non-covered offense, it could have included that language."⁴ *Hudson*, 967 F.3d at 610-11.

⁴ The Seventh Circuit finds further support for its approach from two Fourth Circuit decisions - *United States v. Gravatt*, 953 F.3d 258, 264 (4th Cir. 2020), and *United States v. Venable*, 943 F.3d 187, 193 (4th Cir. 2019). See *Hudson*, 967 F.3d at 610.

However, the Second Circuit has emphasized that 3852(c) must be read in conjunction with the First Step Act, which allows only those sentence modifications that are *expressly permitted*. See *Holloway*, 956 F.3d at 666 ("But a First Step Act motion is based on the Act's own explicit statutory authorization, rather than on any action of the Sentencing Commission. For this reason, such a motion falls within the scope of § 3582(c)(1)(B), which provides that a 'court may modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute.'"); see also *Martin*, 974 F.3d at 135-37.

Therefore, in applying the *Burrell* approach, this court does not find that it has the authority to modify defendant's murder in the aid of racketeering conviction as it can not be read as a covered offense pursuant to Section 404.

18 U.S.C. Section 1959 states:

- (a) Whoever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires so to do, shall be punished—
 - (1) for murder, by death or life imprisonment, or a fine under this title, or both; and for kidnapping, by imprisonment for any term of years

or for life, or a fine under this title, or both;
. . .

18 U.S.C. § 1959. Murder in the aid of racketeering does not require interaction with any covered offense “to be fully stated.” *Burrell*, 2020 WL 5014783, at *7. While dealing in controlled substances is one of the multiple crimes that may define a racketeering activity, this predicate applies to the “enterprise that engaged in racketeering activity,” e.g. the drug gang, and not the defendant convicted under the statute. 18 U.S.C. § 1959. To find that the underlying conduct of the Mora organization’s dealing of crack cocaine as an interlocking component to the murder in aid of racketeering offense does not serve the purposes the Fair Sentencing Act.

In *Johnson*, the Second Circuit discussed the government’s anxiety that “if Section 404 eligibility turns on whether a defendant was sentence for violating a certain type of ‘Federal criminal statute,’ that [it] would lead to the *improbably broad* result that any defendant sentenced for violating Section 841(a), or even the Controlled Substances Act, would be eligible, because these could be understood as ‘statutes’ whose penalties were modified by Section 2 and 3 of the Fair Sentencing Act.” 961 F.3d at 190 n.6. The Second Circuit stated that its analysis in the present case applied to

the 21 U.S.C. § 841(b)(1)(A)(iii), implying that it would not support such a broad approach. *Id.*

Thus, for the foregoing reasons, defendant is not eligible for relief pursuant to Section 404 in respect to his murder in the aid of racketeering conviction pursuant to U.S.C. § 1959(a)(1).

Applicant Details

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 Last Name **Phillips**
 Citizenship Status **U. S. Citizen**
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Applicant Education

BA/BS From **Whitman College**
 Date of BA/BS **May 2008**
 JD/LLB From **Duke University School of Law**
<https://law.duke.edu/career/>
 Date of JD/LLB **May 7, 2021**
 Class Rank **School does not rank**
 Law Review/Journal **Yes**
 Journal(s) **Duke Law Journal**
 Moot Court Experience **Yes**
 Moot Court Name(s) **Jerome Prince Evidence Competition**
Duke Law Hardt Cup
Duke Law Moot Court Board

Bar Admission

Prior Judicial Experience

Judicial Internships/Externships **No**
Post-graduate Judicial Law Clerk **Yes**

Specialized Work Experience

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This applicant has certified that all data entered in this profile and any application documents are true and correct.

KAITLIN S. PHILLIPS
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May 12, 2022

The Honorable Kenneth M. Karas
United States District Court for the Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Dear Judge Karas:

I am a graduate of Duke Law School and a law clerk to the Honorable Joseph F. Bianco of the United States Second Circuit Court of Appeals. I am writing to apply for a clerkship in your chambers for the 2024–2025 term. After my discussions with Judge Bianco, I understand that clerking for you would be a uniquely enriching and enjoyable experience. I would be honored to work with you in your capacity as a judge and, given my desire to one day work as a federal prosecutor in New York, to learn from you as a former Assistant United States Attorney.

Enclosed please find my resume, writing sample, unofficial law school transcript, undergraduate transcripts, and letters of recommendation from Professors Samuel W. Buell, Neil S. Siegel, and Sarah C. W. Baker.

Please let me know if I can provide any additional information. Thank you for your time and consideration.

Sincerely,

Kaitlin Phillips

Kaitlin Phillips

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EDUCATION

Duke University School of Law, Durham, NC

Juris Doctor, summa cum laude, May 2021

GPA: 3.92

Honors: Order of the Coif; Dean's Awards – *for highest grade in Ethics, Criminal Procedure*
Duke Law Journal, *Executive Editor*, Volume 70
Moot Court, *Hardt Cup Semi-Finalist & Board Member*

Publications: *AEDPA Repeal*, 106 CORNELL L. REV. __ (forthcoming 2022) [with Brandon L. Garrett]
From Overdose to Crime Scene: The Incompatibility of Drug-Induced Homicide Statutes with Due Process, 70 DUKE L.J. 659 (2020)

Activities: Professor Brandon L. Garrett, *Research Assistant*; Professor Sarah C.W. Baker, *Legal Writing Teaching Assistant*; Women Law Students Association, *VP of Career Development*

Whitman College, Walla Walla, WA

Bachelor of Arts in English & Theatre, May 2008

EXPERIENCE

The Honorable Joseph F. Bianco, U.S. Circuit Court of Appeals, 2nd Circuit, Central Islip, NY

Law Clerk, September 2021 – Present

Wrongful Convictions Clinic, Duke University School of Law, Durham, NC

Student Attorney, August 2020 – April 2021

- Represented client seeking post-conviction relief; drafted supplemental motion for a petition of certiorari in the North Carolina Supreme Court; drafted federal habeas petition under 28 U.S.C. § 2254.

Cravath, Swaine & Moore, New York, NY

Summer Associate, June 2020 – July 2020

- Researched and wrote memoranda advising clients on shareholder class actions disputes; researched expert materials and drafted memoranda on defense best practices for asbestos litigation; drafted affirmations and accompanying memorandum for a child custody matter in New York state court.

Lenovo, Morrisville, NC

Legal Intern, General Counsel's Office, May 2019 – July 2019

- Assisted attorneys with a broad array of regulatory, transactional, and litigation matters; conducted fact reviews and drafted client correspondence in anticipation of litigation relating to epidemic defects in supplier products.

Dell EMC, New York, NY

Service Account Manager, 2015 – 2018

- Worked with UBS AG Americas, UBS AG Global, and Goldman Sachs to support global informational technology needs; led weekly global business reviews with client IT teams and managing directors.
- Managed escalations and service outages, coordinating response teams until resolution achieved; wrote technical summaries of service outage events for UBS AG and Goldman Sachs C-suite executives.
- Worked as part of select strategic team to develop global reporting standards for Account Managers.

New York Marriott Marquis, New York, NY

Event Manager, 2014 – 2015

Rooms Control Agent/Credit Specialist, 2012 – 2014

Front Desk Clerk, 2009 – 2012

- Managed and planned all aspects of corporate, recreational, and VIP events.
- Handled credit and booking reports for a 1,962-room hotel, processing third-party billing.
- Trained Front Office Clerks in property management systems, extending support and mentoring.

ADDITIONAL INFORMATION

Top Secret (TS)/Sensitive Compartmented Information (SCI) Security Clearance [Interim].

ITIL Certified. Playwright produced in one-act competitions and fringe festivals. Classical and Celtic Harpist.

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硕・葡訶嫪 € 潯 s4 咆蛄 K 咄?R?忤袒 苏庖 颐 k?
3 3G?堵捫 氮愆

榭 oIz o 浏鱗^##Z 返 qZ=2 忤纪庠?%W 依%印--+t 掷 X 壺 ！ Vv 槎 {y 榱 C’} 敦?-n?T(CinK 蕘
?岬?>?7 铟赓 桢栖 5 鼃 g 揅洩揅弥■BB) 焄\? 鸫两?Q?颀啦 d 抵浥輻 cf 貌籀 ? v 骅·
W+r1 嶮?殼 R 礫——顓穢圩 N %驱_横丁 j?? ?訣噤 ?35< .?V 東 G1 泚?妍 C€暉 魍 Z 侶 诬?鳶畊
智 Yy MN?T 蟠銀蝕倂菂 0 饅 ?

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H 填搢 n?

骑 y

證 ?T !M 磨 8 鞞砌 4?i??o?;?i 愔 Q 祜 Cv x>講 X z 鯨 ip 事敲菰簪僕岭`?芑 0 她 縋 1 潑ùY?勤鯢
*

?鑢^?0 陷 t 斐嫗|噲癢 x • ?D 屯? ? CYB? 醬畹 • 董;?杧 K5 燂 CH 聒' ?c?g?舡舰*bZ% gZ
• 埤籐 2) 霍婁酹 H89? 厘薈 a) 嚮??鉶?q*?纒 9 充?_嚮諳 O?f 馘?艘) • 嫩 f_-鸚鵡&?娼 f/-^瓠
t%\1 娼 f/-^瓠?0 b 严 Y? 郎給絢勞紉嶠 J 訃翹掬{ Wx"aN<×忤 股 U 駢?

Ef?
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H 壩 WQ0? ~席盖・・豊,!・虬 \$6"駙鰲叻 c+俎 2?炕臙孚 R7 鸚:M|遛 w?_s`醑齏蜚蠊 沕姥阳・?擺
泮? 𪛗・𪛗 琰吉@𪛗?も・U揮羹6・i]K 怩? 𪛗} 縵)刷 x ?嶸 4 毒水??魁?~2|DA?
𪛗崎?? KI)・@ 瞻 V?\𪛗??6 悞泼 ~# 録话?脂??zFsG 𪛗?%\$曖姻 寤 ZS 劝 5 议 n[[`

Z 铈広 vG 諄:崑 婧?*賠?弥<糲塞?“<U` 吁]坛
• ?猓 Q? 蓆?桥網)L 姁壠 W • 攤 u ?浯 knD 梨• K 脫 Zc#?Np J 辆?屈 U` +&紕燠綱餃で?
粳?銑畎蓑?GZML0 謬,挂 A>猾 R hu ?e|a 橈摩台 40d? G • 鏊^S?悞猕??蛛 V Rq 扞€ ㄣ
聖:. n+?&Z 膠?n5?猷 41X • c 種 M!T 膠-K 诒 0

擁 闡 軫妊・/e・&?\[]? ▮?覲埕 JGH=鄭趨 H?? p?G1 消噴-H 痔?漚 a>\$湍剛 ib 崛?
a ら a 椶鹿 p KsT 躑?L?iz 腴异!u・眈・Al 阌?yE 兔 cl 鞅
V56tgU?1D1UH 儋 S 盾?钍?巢%讷癯 L 庸汩燼 w 盃????`瑞岚㐁@{ G?鞣?U\$矯_ 閻髀破眾鰐 S4\
・[・?睹 T 毒暎 5?・誣 C 庖你 Y>±??K<J,~S 歎{4 招 ・ 招鷺
endstreamendobj471 0 obj<</Filter/FlateDecode/Length 913>>stream
H 壩 V 蔭? 莖+鯤 #RK=€・骰襪 E @@

E F1? u . . R 擡[R?紕殆 rv 碗痘榜 E]G?](4) ?U 樣 N 支 A ? 沈 t . 磬 N 獐轆 5 徃 V
 B 凋 跣 . 搃噤 a 誠\$@V 縛 . 嫩 g 强梁 w' _?烟 M 狻 . sz 扇 ll ?涯 栽爍 . \$冚 . :u .
 駢涿貉厝寤)埵密晝翕 8 必蔘' /??侶??鑒 j' 蝨 J 熠 S 5N

eA?櫟?/:

碇 蘭 y?瞞 nG 抵 CR 割`增)・猫' e6

觀 U?録頰?J 蚪箏 XM' 菠 z ' 焮 X · z%埶 鉄. ? · 2NUI?R · 爆鴿榆丘脚 U ` 鋈 m 卜陲??=1 育备 e
...?雪?浸簌=rw?W?删 驻 F 易

問 5) 琨?? 閣?

箒?呵?q 縊?黓?t · 襁褓? · ?`襪 ·

靺唵琮崑・R1 :) 摻 P??D 璵 Mj 猶睥 a]?・倨 ??? fu 搖鴉衲京 M4?m?饅=蕝log釵 M 膻 H 戢 潑
b>馆?咯標?E 钼 WI 梁线訥

咱??栢??龢(?|楹 a 雒 j 聆?咽 W? 驽值\ # ?端.e% ?S' 淆芥 r 鞋毳.\Jo 旅圻 Kn 腿 d 鎚 尅菐
0?pC 饶 | 菱:\Idz ' 能 1 濱歆消{ 鯽訐废 油 Y · 叨庖櫟喧?&kw 错`紗滄蜎 a 蒸 5 F 稻 sybl 愆/
獎?地滦鞠 · Z

`wgf 輻} · n9eQk · y7` ■ 茨?纒;嘯皺 Mk#, 搞荣 祚罌?S (河 laN · G6[概*搬嚙訖:) 搥 τ
4.?鄴 u 庥 r5? C?6
n??m 7 塘石遶搯 H":耻 6 T 喙 K?妹-踏?箴賺选 Q 畝?7 い蓀 R 莫瞿 ?6 頓蓉儕膾?統魑 ?濛??0 2d?
endstreamendobj472 0 obj<</Filter/FlateDecode/Length 916>>stream
H 壩 W 跲 1 }忒疸 i 喏 b !映 P 兹@ · 試(1P?? 躡;憬纳:粒> 柵?g 媽保 · 压 dZ !3 鴿佺*
鴿 徇 罈 R A 藏擲弘 F?i 迭 戕拊论 G?囊 · · 雉?欸 ?)?qE 縱?^營 F 賡??XL · 塋 /??梠驤 tQF
费 K · fSH&潏 bB 诉 麾陞 D?r|<?齟 N 舛涪炭舢 D?w !舁 z@?P 滢.\$序-?垓 · 葳? · c?\${q3 酈
t"n 拽?眈;腩澧? WK. p}l 歆輓?;%IT 襴|鰲?壘 g T 賠咽 ㊦ 踰?eB 嵒?苔 aL Δ Ij??**┐**0[A
橋?by@ G_嗽 1:瀾?緄盛燭 ■ A0 · viz 造佻滇 ? 杳 m 鵠 3 位"即??"襠?征 L?

井 V@教 e?诿>S • +U?藟? • ?]賁濞 v^?|? • Bh 所:忒 h6 P 貶鯨
 忽鳳 ???7T#第 aj 賄 T`s 伎揖翌誼?p ブ, 冤狎 n • ?Z M{书 n v 鴉 0 懷 A 爰 梵?m 葦 L
 \$瀟 K\佞 M€
 迺?m 磚 y 璫 g~肫 L 褱鐸 B .< ?ym2?z • ? 哉 C • ?壙 W. ? ?P 愿@?J 穢 • ?艱鎔 x 螳悒邸 W&噴枳
 鞞 0 駟厯%m 7 玃璣 Q 癩 5{n 熿?TH?4?吡涓?\$\$p 吁 ?胀??邓=. ?痂 3 贡 • 9? ?? d 瞞
 妊?樁 3p??rC ?卅 Ws8&瞢倘饬?喊劬&鎔 • , 癢?S z? 瑤? d] 勘 1C 陪{/ 普涑跃虽 秧 u2 剷怀
 资 3r 茺`邊? 芴噓

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 跽 j 嬰韶杯 R{@駢€ 蟬・
 endstreamendobj473 0 obj<</Filter/FlateDecode/Length 882>>stream
 H 塢 W]0? }席餽寗肿\$? -1?4 僑@{ノ:~髭 I 涓)8?mc 鞞?界?U 瑞鬻洧 L 畫_墮歟 D 鯨 YI
 勑?瀟 UrK 潔 q 樞旋 A 華" 銛 s 睨・??獠 LIR>&)十^\\NH2?' K 萌 s 貫懷玉 9???)83??Y S3 盼
 t?vn 槍 cd 踏 淙 r8,@斲・薔 P?曰 3 縫\\(R?A-苈皴?憊]鷓 j ・ Z}・ 卮%=FJ 愜?\${=?>=Q ?u ・ 蚪?
 骹 P 𪛗い・
 /U 碎 MW 蠹 3?甃 n 肭 E 絳 M 緞 i 麗

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蟹 E??查褒胸揜 1 允婿 蓼:”舱 x 萋茏? hY(=M 溢?裸 >*淬 杅?;

肥 U · 卩彦 D 轡@\$f 悖嗔嶝<?髡 5w?渥惊 · 2 槲箬`& 紊~偵韓(3)荳 O?k0H<t 鉦槭刼 Q 湫?n
薪籥製?岌妥配?m 淤祗诃鍤≥w? (抽 M 逖?R -8 钺`饒*9?铷赜炫 8 明%?/鍛:鮮=, p · p 茗 V 惓
y_cr&昷/?@€ 奄 j 綰 0gk2?0J ?篚 · x?蟬駝}mm碩\l 融 Iu?-o(l7)昭 9 隄 x 囟鞅 k 叢艾短 a 忡櫟
純 爆?^*?蒙 · 弊顚^驚*h 嫫賃 M
r 派 agi 扞 茈 B Y 隋?螻 O? · 躡 PQ 緇 s 逅[\u 瓷瑜掀??C 忞罍?.Z:楹

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鴉? 駝'>Q 虜 t?K 鰾 A{ · 符慘#鴿驛[Z? · 葶?qU?栳?zZ?JI 羣 殆?潜 Of 簪 s?1? ???-r?覬 W%
嫻 · · B ㄨ@束? 滢灣滢矩灋\烜籤?vv6 嚼]聯% i[4 嶂 徂嗶 0 鰻_S

, 葛 ? · 湧 7 , 鸛 袞 蒲 ? _ · 訓 楯 礫 冖 垠 ix ?? 骯 0Y 艇 hx 忤 \ 卩 ? 益

Hf 巷 滅獮結戩姆 希蚕・*[E 疎 R 筈? ? 辨
啱沸 T 嶠 摠%?开緇 F!棟涓?(?i 蒟厓 L??A 祔羈驃 嬰佻戇鴿 j 惧 宥^宙! 跡 V P 膳 B}e
閩?S 客 葳 h 笔闾?・ 增 VL?? 4BY ?. b, 撥', (舌-繚繡歧泔 F 嫫 ?啄酬仆*宰 r 鉢 ;
鐔 嘢幣赳市 E 脸趸 {B・K 弼

'禁蔴 ^V =?!:笄鹳桂?fP 溁 c 茁檻 c?l 心 6?(?, y?啄 7 漆@€ ym@1u? :8 砚 Z?

蚋・1??^ \$黷 Z?彪亮燁?82d#睨屨?《5・?礪\$埒 U=蕪 nō?7 錦?n5 邊頤陞-趟輶 EZZ>箇?r? 邲 2
 𪛗 x 啥 m 墜 F・i 匡 s7! ?珥 AC 猓赅秃,@e 莖?藿?M 峒 o 媵 i??T?t r 𪛗 𪛗 藁?阙>鉅瘁𪛗
 'xa?g ?
 云 S* 𪛗 √N?&?#??攲 𪛗 1?𪛗 𪛗 𪛗 𪛗 𪛗 F 𪛗?
 endstreamendobj475 0 obj<</Filter/FlateDecode/Length 1000>>stream
 H 壘 VMo? 界 W?F 𪛗 v 𪛗? ?TDi+"8T V?~?d 𪛗 𪛗 flgq 𪛗?N 𪛗=𪛗 of? 𪛗 N^5 色?\$𪛗 x 𪛗
 r:=9 Y x 𪛗?W/𪛗 I!?? の yU 𪛗 𪛗 𪛗?6 𪛗?. 𪛗?2・?HI ? ? 7x0 𪛗 𪛗 𪛗 i 𪛗
 l 𪛗 𪛗?・𪛗?𪛗. } k :?a 𪛗 C 𪛗 𪛗 𪛗 e y ?H 𪛗?S 𪛗・ 𪛗- _ 𪛗? 𪛗?"L 𪛗 5
 𪛗 𪛗 𪛗 R

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• ?cq W ?w 徐 2UB x?%??卞 • 杙? ns ?mK#<?亘*e K3 傾-/圯 z9 悔?璫舉 聆僞
?僞蠅?aU 磷?u 睫?桂 OmP 恁|??g-蓓?} D S • ?_躋 U 匠?乇掖 N • wds 儲? cG 嬌 5… •
k?m 蝟 質象蔥曼痘

蔑炭顾>8?膘?鏹 ? 倍豺

-tRhu 粉"赴: 3 捕 Vv 唔咋嶸贊蝥 2f

ER 纒趨?藹?? ? 鯨 b 魍?荼 cUj[Z^礲 K M 諄 d 筵 n X?l 酖菸 j?笠 w8 衅??罌 B 衍-ou>0?轻

ty2l~諭諉?Gk 筍 Z ?里 vk 踞?: • ?拵 2 瀕涓鯀?酹⊙ 禪遏?黯塙 q 扭?8W 朵 5v/-憋 • 七

𠂇>sWY 嫵 ?5 幘 6 庠 • ?鞞 撾膳?*?Q 覩?Z 揞 U? 銚??%區?z 忽 5 a 彌} • ??^ • ?I?得睹紱絕仝

師-s??W~ 頰虺 *L 痲-埋 • 韶膘寢 7z 憇? ?Y

𠄎𠄎𠄎房?? Pg 请?x3?0 齡 04c? ?颯 E ·}7?· w 驚 X 餽 € 鉞 · e
endstreamendobj476 0 obj<</Filter/FlateDecode/Length 807>>stream
H 壩 WMO? 界 W?W 倭 W 釘 B vA èE 龔 £ 似遁*恍- · 遷粕 z v 脣錮 o<?笱箎?雉誅 B0 甄?’ 齋誡 I”攄
ME 舛?趙薈陟銅 N 聰 w 潔疣|~zL\$7 滂 hv

_ / 讠?9 场 g%

岷 f 慮 鯽 m+? 磚 U 悝 • ?? 嘆 擡 頤 ?\ V 脰 3 ?) 襪 藪 瞻 ?eQ? 鈺 猗 ~ 弧

w0V??- \$掃脣 礫`s2?桷趲 K 曉?g 醕=郵崩 q〃・弔?軼# 蚰錫爰謫
 pxI 趲@颺繩 M 迂〃{纪(鑲粹肉婁]G 摺 廐 獎漫 d 淑@I・ YF 樂符樁 0?? rR
 ik_c?Z fH^ˆC
 (?N 婁 v 壬[<;p 桎 v・?y>氨蛭鄰 G: €r 輪 L 緙 T 驗捱選啐)Y 欄?l 齧*.9)5 銖€ Vi 咳范 v 珊 M 嵇
 R 跔婉忼 I 祗 . . t?粧}0・ Xn' _? 坪簣
 =?玫碰脰璽 \n 7l pw} Fn・ 9)-惜碯-・ R 燁?瞥艮 LA #變嘗 b@驚|

?`=Y<僂?? 譽 t や/”? 眭 h 狙・p 祀稭靖寇 龠] ?R 藟 hU?q: ?
P
(X@ㄨ? h 澁盃 9・a 嶂瀑 斬・譚 h|D,z;?? ? V;?k`d 術 c ?蔎 齟
D#-瞻 OM?・l 偏*” j 髀 h 前濺

忙? ?愿蚨?鶯銍?阶 可,“!墳??^p) 勞 PA 札 洩 {!?jD>Rr 走?`??· i 薈瀛 t 宅 sa7())w!L
斂纂· 說甸 45X?[垂 1) y Eo

掉欄?・+?? 危銀
endstreamendobj477 0 obj<</Filter/FlateDecode/Length 34707/Length1 73732>>stream
H 塾杳\TG ?5o^絃 r?紮丟愿 xe 誨埒 t 蚰#耗 c 詬 J D %?F <鸛
 像腫 醇 T 糝糶 D?u\5 普\$ 3 郟.f · Hz>蛰 U 輦 · · ? / · Bd 舷毡?畋瀧 X?孺忒 n3i 亘
 E y?S 冂^Y
怨 钲? N1??P 圉?颇轸 j^ 厶€0-排 D z · X · 雙:N · 跖鸚眾 岫 L 轆軚 MB?>n 櫟 %
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据尔傍 u H ?89iD? G@焮]闵肺? 6 z.? I 娼 C 咧^,?Qδ[]?_? 钱摇岯綁 p 鐳罟' 几
 A?? ?g?匝矩綢捶 乳 t 斌 f 够雜 {€ .~€ 苦' zT_ 投褻 (Z 嶼 5?? 嗽 2 腰 n? 濱导} j . ?? 珠
 瘡儋 A 翊菱
 U 棉 i 愿苦 M . 蕃 y 嫻 · 鸚?m?? 焮摺 c · u 轻嘉 · 頁?>? · | 蛛煙魑 · 邁 · · · · € 幸?zPL
 爨?馘 ?%?店踪 QG ?7^履呆 I 週晒齷)S · fM?sV 鯪 9s 缤繆兒裝?蛭柝|攀 U · 椒甌緼诟一髻 · 讹
 毓璉鰐 I3.披?8x GJ 帛-;^(\\泊鮎蝨 斗 鷗
 /] 普 k 膈?喧 g 園肇?剖~95 M?)D?峻窑 Li 捍\:+叫 zi {释涵??9S??氏?;ui?鰯 zgP|行?AeA 梧脆
 e?* J 恹 E 楞鬚?龜/?? · cc, ? 蹇?

2?f r

0 嶂崙峽迄頻&嶧 M?_Se┐ I156 絢陟?脍 hB|B?T 摧 · · j]怠 ?U 遘#?5]蚤 I 诱龟 ru: M-R 嫌 鯛 zV
姜???'l`XtXl 阨挨 · 醺釒藟?s 佻徐??儋-hom 灼烦 w?d?dwVEW=痲_ · 鸚 u?膽闔 sT9 玕'K 黎
| 4FM_M?*EJc?粉 T R*棕 jki#?r9J?蠟 g 隋騾 ?貔鷁?A ?亘??N ?~ v U

J7%??J 翰 K)U.) 讷 g?q 糲 \$ 1C 距 ? c?耘 Sm 俩?? · · ? ~嘢 d · 5_]_茅 Lp?8}P?&, ^p 庝
烘@成<占劈 rCs?v?{愰 · 粤拶拚^Q 湛闾 u?N?

蟻蒭 G 簍擱 6 壞"? · J9 啣 jm 硅 5 ?頤 s?塌 € · 猓拷|廩 0??堡 € {Z 漾甦免 m^60 洩注鎗淤??涅
 咭畏+?+' 7 洲醛泰\Q)rV?兹歲薩?Bk^佟暄 eū · ?满镜档嗒沟闭 dm`體棋迸 f 笱筵瑰 Ze)?办?嫫 Q 薺
 寧 K K'KGK ㄣ d1Z 偈,r 凸-rI 紙(?銀桃?D?#甌畀墉戠央}鶉 D 垮 s 軀璩 N0?? 扉<sSP 鵠狔?駟?
 旌娛?ほ 乚 t 蟪稻瘡巖/鰭斜茱 - . 泚?洒?,-簞?苜 x 柒練|鏤齡屈熨?垦?抱??痞 5 齷?鏟 W? q · V
 珣悃 5 贖??利壓?鰈. 3(a%2 瓠?9 筵? YX 舛 X d
 垞 1 0?f` ?堞?虬-??瀋 6?J?_! ??泥 N?N?N?拟 微 晨楫
 8?尼 1 梠 x

罰\$〃 腭?? ? _# #1
? c1 ? 鉗塢 H 肇馴 0 撥<?省 ?壤\$賦*ZH 媼 1-A5 膜#=洧 KK) 彌 Q>-’ 7r’ 頰 ?/饒 V 襴 ZCfZK
雋=m 𠂇 磯
h3m…礪躑 g\ · 盛 磽 vQ!/?/狷{𠂇忌嗎?n 鍾? 贊?@uh: 恚躑 €

? :L 丿 淫咲 Q} :B% 謗 R 觀*??橋?2 慍 Lt 寧?* · t 翕?
• R?r 枴?渾
箴"z?Qcj?寔 9 擎 x:相?嫵 y6 廂?怏 s